BOROUGH OF WESTWOOD WORK MEETING OF THE MAYOR & COUNCIL **MAY 5, 2015 MINUTES**

MUNICIPAL COMPLEX

101 Washington Avenue

7:30 PM Executive Closed Session/8:00 pm Public Session

1. Opening of the Meeting:

The meeting was called to order by Mayor Birkner at 7:30 pm. Mayor Birkner then read the Open Public Meetings Law Statement: "This meeting which conforms with the Open Public Meetings law, Chapter 231, Public Laws of 1975, is a regular Borough Council meeting. Notices have been filed with our local official newspapers and posted on the municipal bulletin board."

2. Roll Call: Committee Assignments:

Mayor Birkner – Present

Councilmember Owens – Present **Public Properties** Councilmember Montana – Present Health & Recreation Councilmember Miller – Present Fire & Ambulance

Councilmember Grefrath – Present Finance, Administration & Capital Projects

Councilmember Bicocchi - Present Land Use

Council President Arrovo – Present Police & Emergency Management

Borough Attorney Doyle – Present

Interim Administrator Kezmarsky - Present

Borough Clerk Hughes - Present

3. Resolution #15 - 107: Executive Closed Session

Motion to adopt Resolution #15-107: Councilmember Montana Second: Councilmember Owens

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes Councilmember Miller – Yes Councilmember Grefrath - Yes Councilmember Bicocchi – Yes Council President Arroyo – Yes

4. Reopen the Meeting:

Motion to reopen the meeting: Councilmember Miller Second: Councilmember Bicocchi Voice Vote: A voice vote was taken with all present voting in the affirmative. The time was 8:05 pm

5. Roll Call II:

Mayor Birkner – Present / Councilmember Owens – Present / Councilmember Montana – Present / Councilmember Miller – Present / Councilmember Grefrath – Present / Councilmember Bicocchi -Present / Council President Arroyo – Present / Interim Administrator Kezmarsky - Present / Borough Attorney Huntington – Present / Borough Engineer Senkevich – Present / Borough Clerk Hughes - Present

6. Flag Salute

Mayor Birkner led those present in the salute to the flag.

7. Reports of Committees and Officials:

A) Mayor's Report

1) WTPA Presentation on Streetscape

John Lamb, representing the Westwood Tax Payers Alliance (TPA), presented the proposal to rebuild and reconstruct sidewalks along Westwood Avenue, at no cost to the Borough. Approximately 90% of the property owners are on board with the project. The work will be done one block at a time. There Minutes Page 2 Public Meeting of the Mayor and Council May 5, 2015

will be no stores closed, and no streets blocked off for this project, just parking spaces. Borough Planner Ed Snieckus discussed the design. The pavers will be replaced and the trees, which are lifting the pavers and sidewalk. Tree grates will be installed which will allow the roots to grow deeper. Mr. Snieckus recommends flowering cherry trees for the middle of the blocks and service berry trees for the ends of the blocks. The sidewalk slabs will be replaced if needed. The TPA is requesting the DPW remove the trees. The roots will be pulled out by the contractor.

Mayor Birkner commended the TPA for this project, which is a public-private partnership that speaks to the future of the downtown business district.

Bruce Miesel of the TPA said the property owners would pay for the police coverage if any were actually needed. The TPA will pay for Mr. Snieckus' fees. The only costs to the Borough could be the Borough Engineer if necessary. Mr. Miesel said the timing is important as there have been so many trip-and-fall accidents.

Councilmember Miller said he is good with agreeing in principal. Details need to be put on paper. Councilmember Bicocchi said it's rare that business owners come forward with ideas. This is a winwin for all. The consensus was to move forward. Mr. Huntington left the room with Mr. Lamb and Mr. Snieckus to craft a detailed resolution to add to the consent agenda.

B) Engineer's Report

1) Biweekly Report

Dr. Boswell reviewed the biweekly report, a copy of which is attached.

C) Council Liaison & Committee Reports

1) Finance, Administration and Capital Projects: PG

a) Budget Hearing and Adoption

Councilmember Grefrath gave the following comments:

Tonight we are holding the hearing on the 2015 Municipal Budget. Following the hearing, we expect to adopt our 2015 Budget.

One of the notable goals of this budget is to maintain or improve the level of service to our constituents while controlling expenditures. With the documents presented tonight, we believe we have again met this goal for the 2015 fiscal year.

We all know that the Mayor and Council cannot lower taxes, lower debt, and borrow from surplus and, at the same time, maintain services to residents. So this year, we again had to make some very tough decisions. Our history of adopting streamlined budgets made it more difficult to be efficient, since there was not a lot left over at the end of 2013 fiscal year to move to Surplus; our ability to use Surplus to lower the tax levy or take on Borough-wide improvements with little impact to the taxpayers has become that much more difficult.

The total budget being introduced for 2015 is \$17,757,513, an increase of only \$7,499 over last year's budget of \$17,750,014 or 0.04% increase.

The total increase in appropriations and decrease in revenues resulted in a total municipal tax levy increase of approximately \$515,033 -- from \$13,718,650 in 2014 to \$14,233,683 in 2015. This translates into a municipal tax rate increase from 0.788 in 2014 to 0.817 in 2015, or an increase of \$116 per year on an average home assessed at \$387,000. This increase includes the funding of the library, which continues to be above the state mandated minimum amount by approximately \$74,000. Please keep in mind that this budget represents only the municipal portion of your tax bill.

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As I have mentioned several times during this budget process, the Borough's recent history of providing very lean budgets in an effort to limit the overall tax impacts to its residents – while the School and the County have had suitable increases – have brought us to the point where, in order to meet future state mandated, contractual, and legal responsibilities, we must continue to put forth a fiscally responsible budget as we have been doing.

We wholeheartedly believe the budget presented here tonight will lay a solid fiscal foundation for Westwood for subsequent years.

I once again would like to thank all of the people who have played important roles in developing this difficult budget, including:

- Our Finance team of Durene Ayer, Stephanie Stokes and Gloria Seidel.
- Our Finance Committee with Councilman Bob Miller, Mayor John Birkner, Acting BA Karen Hughes, and CFO Durene Ayer.
- Gary Vinci and everyone working for our benefit at our Auditor Lerch, Vinci and Higgins.
- The Department Heads and municipal staff who towed the line and made some very informed and necessary budget reductions within their groups.
- And the entire governing body, who was called upon several times to meet for our annual line-by-line budget review.

At this time, I would like to introduce our CFO Durene Ayer and our Auditor Gary Vinci, who will offer more in depth analysis of our budget.

Mrs. Ayer reviewed a Powerpoint presentation on the budget. Mr. Vinci then offered the following comments:

Just to reinforce some of the points that Durene made, and to touch on some of the challenges that the Borough has encountered, which really are not unusual for most municipalities in the State.

I've already mentioned that the budget increase is only \$7,000. Unfortunately because of revenue shortfalls, really in two major areas, surplus and the building department, the budget although it's flat the tax levy is increasing.

The surplus that the Borough had at the end of December is probably the lowest its been in quite a few years. The Governing Body has an internal policy that they would like to use 50% of the surplus to offset future taxation. This budget takes 50% of the year-end surplus and uses that as a revenue. It's a very good guide, it's a very good policy because what's very important, and I'll talk about it later on with the credit rating agencies, you can use any surplus that you have at the end of last year but the ability to regenerate what is being used is very, very important.

This year, \$674,000 is committed, and I think based on the trend of income that the Borough has realized over the last several years, the confidence level is very high that the Borough will be able to replenish and actually supplement the surplus at the end of '15. And I think that was one of the important aspects of this whole budget development.

Building Department fees decreased about 90-some-odd-thousand. Now that deals with permits but it's a ripple effect in the sense that if the building department fees go down, the ratable base of the Borough does not increase. If you had major permits being taken out, obviously the Borough would have a growth in the tax base, and then the tax bills would be spread out over a greater amount of valuations. Durene mentioned that and again, that was two major areas that affected this year's budget development.

One of the other items that Durene touched on, and I have some of the numbers, deals really

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with State aid. I think I went back to 2007 or 2008. The Borough actually was paid from the State \$1,460,000. Your last six years of State aid has been relatively flat at \$1,020,000. So you've seen a 40% decline over that period of time.

What's also very important, and it's well documented in newspaper articles, is the fact that the State of New Jersey is currently in a major lawsuit dealing with the funding of the State pension plans. It's our understanding that the courts will make that determination in the month of May. If the ruling goes against the State, there is no guarantee that the \$1,000,000 State aid that the Borough currently receives, as well as the State aid that the school receives, will remain whole. Because you're talking about a \$1.6 billion dollar shortfall that my understanding would have to be made up by the end of June. So State aid is not just problematic for Westwood, it's problematic for a lot of government entities throughout the State.

Understanding those challenges, I think there were very important financial positives that actually came out last year as well as historically have been there for the Borough. Last year's tax collection rate was the highest that I have experienced here during the term I've been Borough Auditor. Last year the collection rate was over 99%, a phenomenal collection rate. And that actually is beneficial because of the fact that you're still collecting your taxes on a current basis. And again, that has the ability to regenerate surplus.

The Borough's debt, if I go back five years, the net debt of the Borough has declined \$2.4 million. This year's budget has principal paydowns of I think about \$1.7 million. So there's a stead decline of the outstanding debt. In fact in '15, the original EIT loan from when the Borough closed the landfill, the Borough borrowed money from the State of New Jersey, in 2015 the last payments of that loan are taking place.

In the beginning of this year, Standard & Poors actually did a credit rating review of the Borough. They do spot reviews, they do a review whenever a municipality issues debt. And Standard & Poors actually increased the Borough's credit rating. Currently the Borough's credit rating is a AA+, which is only one notch below a AAA rating. And if you go back to the '90's, the Borough at that time was an A1. So the Borough's credit rating has increased considerably. The higher the credit rating, the lower the interest the Borough will see when they sell long-term paper. The lower the interest rate, the lower the interest that goes in the budget. Which again is a major improvement for the Borough, and it's very very important for the taxpayers to understand that the rating report is important on Wall Street, and it's important for any debt issuance.

Some of the items that they incorporated in their evaluation: the economy, the local economy, which seems to be very strong; the liquidity of the Borough; and some of the items on the debt side - and again, they review compared to other communities, not just in New Jersey, across the country - the percent of debt in the budget is just over 12%. The net debt, when you compare that to the value of the ratables within the Borough, is only 1.3%. And currently the debt that is outstanding, over 90% of those bonds will be paid off within 10 years. So it's a very aggressive debt maturity schedule. And again, those are positives for any credit rating review.

As Durene mentioned, tonight there's a hearing on the municipal budget. The overall tax rate cannot be determined because the school and county rates are not known. The county budget has not been adopted.

Mayor Birkner thanked Mr. Vinci. His comments showed the sound financial footing the Borough enjoys. He asked how many AAA municipalities there are in the state. Mr. Vinci said less than 10.

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Councilmember Grefrath thanked Mrs. Ayer and Mr. Vinci.

i) Hearing on Introduced 2015 Municipal Budget

Motion to Open Hearing on 2015 Budget: Councilmember Grefrath Second:

Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

<u>Gary Conkling, 406 Kinderkamack Road</u> - asked a question regarding the percentage of increase for out of cap. Mr. Vinci asked if he meant appropriations, and then reviewed the numbers.

Motion to Close Hearing on 2015 Budget: Councilmember Grefrath Second:

Councilmember Miller

ii) Resolution #15- 108: Resolution to Amend 2015 Budget

Motion to adopt Resolution #15-108: Councilmember Grefrath Second: Councilmember Miller

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes Councilmember Miller - Yes Councilmember Bicocchi - Yes Council President Arroyo - Yes

iii) Hearing on Amendment to 2015 Budget

Motion to Open Hearing on 2015 Budget Amendment: Councilmember Grefrath Second:

Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

No Comments

Motion to Close Hearing on 2015 Budget Amendment: Councilmember Bicocchi Second: Councilmember Miller

iv) Ordinance #15-7: An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank

BE IT RESOLVED that Ordinance #15-7 entitled "An Ordinance to Exceed the Municipal Budget Appropriation Limits to Establish a Cap Bank" having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Grefrath Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Bicocchi Second: Councilmember Miller

Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #15-7 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Grefrath Second: Councilmember Miller

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes Councilmember Miller - Yes Councilmember Bicocchi - Yes Council President Arroyo - Yes

v) Resolution #15 - 109: Adoption of 2015 Municipal Budget

Motion to adopt Resolution #15-109: Councilmember Grefrath Second: Councilmember Miller

Roll Call: Councilmember Owens - Yes Councilmember Montana - Yes Councilmember Miller - Yes Councilmember Bicocchi - Yes Council President Arroyo - Yes

b) ByLaws

The Governing Body reviewed additional changes to the bylaws. Councilmember Grefrath will send out the final version, which will be adopted on May 19th.

Mayor Birkner thanked Councilmember Grefrath for all he has done as the Finance Committee Chair.

2) Fire and Ambulance:

a) Internal Equity

Councilmember Miller advised that the next step of the internal equity study will be the scattergram. He observed that the project does not get done without the participation of department heads and employees. The Governing Body had made the commitment that no one will be hurt by this, the employees can participate, and all will understand the project. Those commitments have been kept. This will provide logic for judging jobs going forward.

3) Health and Recreation:

a) Car Fit Program

Councilmember Montana announced that HUMCPascack Valley is sponsoring a car fit program for drivers, which will be by appointment. The Health Department will have the details. It's targeted towards senior citizens, but Councilmember Montana thinks it is a good program for young adults as well.

b) Recreation Update

Councilmember Montana advised that the concrete pads are finished at Brookside Park. The new picnic tables are installed and the ground is seeded.

Summer camp registration is now open.

4) Land Use:

No report.

5) Police and OEM:

a) Nonsolicitation List Ordinance

Council President Arroyo requested the Council look over the proposed nonsolicitation ordinance for discussion at a future meeting.

b) Chamber Sign Request

Council President Arroyo discussed the Chamber of Commerce request for signs on the decorative lampposts that would identify businesses on the side streets. The consensus was to send the matter to the Planning Board for their review and recommendation.

6) Public Properties:

a) DPW Update

Councilmember Owens advised that the County's sweeper is on loan to Westwood and being used. Options are still being explored regarding a sweeper for the Borough.

D) Attorney's Report

a) TPA Streetscape Project Details

Mr. Huntington reviewed the details for the resolution approving the TPA streetscape project.

E) Administrator's / Clerk's Report

1) Improved Communication

Mr. Kezmarsky advised that he is exploring several ideas for improved communications with residents.

2) Revenue Sources

Mrs. Hughes reviewed her memo regarding potential revenue sources. Councilmember Miller suggested checking with Ridgewood on the beautification concessions. It was suggested bricks be salvaged from the streetscape project for use as a 'walk of fame' at the dog park. Engraved bricks would be sized accordingly.

8. Agenda/Public Forum:

Motion to open Agenda/Public Forum: Councilmember Miller Second: Councilmember Owens Voice Vote: A voice vote was taken with all present voting in the Affirmative.

<u>Jody Murphy</u>, <u>Pulse</u>, <u>701 Broadway</u> - requested allowance for outdoor dining at her location. After discussion, Mayor Birkner commented that such an allowance had been done in the past and it would be a nice accommodation for an underutilized area. The consensus was to work on a resolution of approval for the May 19th meeting.

Motion to close Agenda/Public Forum: Councilmember Miller Second: Councilmember Grefrath Voice Vote: A voice vote was taken with all present voting in the affirmative.

9. Ordinances of First & Final Reading:

Ordinance for Adoption

14-16 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey,

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Providing For The Acquisition Of A Garbage Truck For The Borough of Westwood Department of Public Works And Appropriating \$241,500 Therefor And Providing For The Issuance Of \$229,425 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #14-16 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of A Garbage Truck For The Borough of Westwood Department of Public Works And Appropriating \$241,500 Therefor And Providing For The Issuance Of \$229,425 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same" having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Owens Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Bicocchi Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #14-16 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption:Councilmember OwensSecond:Councilmember MillerRoll Call:Councilmember Owens - YesCouncilmember Montana - AbstainCouncilmember Miller - YesCouncilmember Grefrath - YesCouncilmember Bicocchi - YesCouncil President Arroyo - Yes

14-17 An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$113,663 Therefor, And Providing For The Issuance Of \$107,979 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same

BE IT RESOLVED that Ordinance #14-17 entitled "An Ordinance Of The Borough Of Westwood, In The County Of Bergen, New Jersey, Providing For The Acquisition Of Various Equipment For The Borough Fire Department And Other Related Expenses In And For The Borough Of Westwood And Appropriating \$113,663 Therefor, And Providing For The Issuance Of \$107,979 In Bonds Or Notes Of The Borough Of Westwood To Finance The Same" having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Miller Second: Councilmember Owens Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Bicocchi Second: Councilmember Grefrath Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #14-17 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

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Motion for final adoption:Councilmember MilerSecond:Councilmember BicocchiRoll Call:Councilmember Owens - YesCouncilmember Montana - AbstainCouncilmember Miller - YesCouncilmember Grefrath - YesCouncilmember Bicocchi - YesCouncil President Arroyo - Yes

An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Providing for the Band Stand Improvements And Other Related Expenses in and for the Borough of Westwood and Appropriating \$16,000 Therefor, and Providing for the Issuance of \$15,200 in Bonds or Notes of the Borough of Westwood to Finance the Same

BE IT RESOLVED that Ordinance #14-18 entitled "An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Providing for the Band Stand Improvements And Other Related Expenses in and for the Borough of Westwood and Appropriating \$16,000 Therefor, and Providing for the Issuance of \$15,200 in Bonds or Notes of the Borough of Westwood to Finance the Same" having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Owens Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

Public Comments:

No comments.

Motion to close the public hearing: Councilmember Owens Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #14-18 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Owens Second: Councilmember Bicocchi Roll Call: Councilmember Owens - Yes Councilmember Montana - Abstain

Councilmember Miller – Yes

Councilmember Bicocchi – Yes

Council President Arroyo – Yes

An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Providing for the Replacement of the Emerson Road Pump Station and Other Related Expenses in and for the Borough of Westwood and Appropriating \$400,000 Therefor, and Providing for the Issuance of \$380,000 in Bonds or Notes of the Borough of Westwood to Finance the Same

BE IT RESOLVED that Ordinance #14-23 entitled "An Ordinance of the Borough of Westwood, In the County of Bergen, New Jersey, Providing for the Replacement of the Emerson Road Pump Station and Other Related Expenses in and for the Borough of Westwood and Appropriating \$400,000 Therefor, and Providing for the Issuance of \$380,000 in Bonds or Notes of the Borough of Westwood to Finance the Same" having hereby been read by title, shall have a hearing held on this date.

Motion to open the public hearing: Councilmember Owens Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

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Public Comments:

No comments.

Motion to close the public hearing: Councilmember Owens Second: Councilmember Miller Voice Vote: A voice vote was taken with all present voting in the affirmative.

BE IT RESOLVED that an Ordinance known as #14-23 be passed on final reading and that a Notice of Adoption of said Ordinance be published in the official newspaper according to law.

Motion for final adoption: Councilmember Owens Second: Councilmember Grefrath

Roll Call: Councilmember Owens - Yes
Councilmember Miller - Yes
Councilmember Bicocchi - Yes
Council President Arroyo - Yes

10. Presentation of Bills, Financial Reports and Resolutions:

Councilmember Grefrath asked if there were any resolutions to add to the Consent Agenda. He stated that any Councilmembers who wished to remove any Resolution(s) to be voted upon separately could do so at this time, otherwise the Consent Agenda would be enacted in one motion. Resolutions i, j and k were added at this time. Mr. Huntington explained that pertaining to resolution i, the fire chief has no objection to the Sirius XM equipment swap. Councilmember Montana asked if asked if the lease cost needs to be finalized. Mr. Huntington said it is a condition of the resolution and retroactive.

Resolutions as Consent Agenda:

- a) Resolution #15 110: Bill List & Statement of Cash
- b) Resolution #15 111: Cancellation of Capital Ordinance Balances
- c) Resolution #15 112: Authorization to Issue Estimated Tax Bills
- d) Resolution #15 113: Authorizing the Preparation of Specifications for the 2015

 Municipal Road Paving Program for the Pascack Valley

 Cooperative Pricing System #107-PVCPS
- e) Resolution #15 114: Approval of Claire Collins Application to Consume Alcoholic Beverages on Public Property
- f) Resolution #15 115: Street Closure/Use of Sidewalks Westwood Chamber of Commerce
- g) Resolution #15 116: Street Closure Westwood Heritage Society
- h) Resolution #15 117: 2015-2016 Limo License Renewal-Allison Luxury Limo
- i) Resolution #15 118: Resolution Extending Lease Agreement for XM Satellite Radio Antenna at Westwood Firehouse Site
- j) Resolution #15 119: Authorizing Westwood Taxpayer Association to Perform Public Sidewalk Improvements
- k) Resolution #15 120: Authorizing Execution of a Developer's Agreement Between the Borough of Westwood & Puccio III, LLC, Maxim Self Storage

Motion to adopt resolutions #15-110 through #15-120: Councilmember Grefrath

Second: Councilmember Bicocchi

Roll Call: Councilmember Owens - Yes
Councilmember Miller - Yes
Councilmember Bicocchi - Yes
Councilmember Grefrath - Yes
Council President Arroyo - Yes

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11. Adjournment:

Motion to adjourn: Councilmember Miller Second: Councilmember Grefrath Voice Vote: A voice vote was taken with all present voting in the affirmative. The time was 10:30 pm.

Attest:

(signed) Karen Hughes

Karen Hughes, RMC, Borough Clerk Proofed by: Denise Holmes, Deputy Clerk